

DOC 450.300 Visits for Incarcerated Individuals

Comments Submitted 7/23/2021

POLICY:

II. OCO strongly supports this expanded section of the policy statement.

DIRECTIVE:

I.A. OCO strongly supports this addition as well.

I.A. We see that I.A.3. was cut. This section formerly provided that the Department will: “Actively encourage a collaborative working relationship with social service and other private community-based organizations providing transportation, housing, food, clothing, and other assistance to individuals and their families.” Is there justification for this omission in the revised draft? This effort seems important to maintain but we are unsure of the history or current status of this work.

I.I. OCO is seriously concerned about this proposed update. OCO believes that an individual’s J&S should be the final authority. This change allows DOC far too much discretion in determining visitation, particularly when a court has made clear its specific intention to help an individual maintain connections.

II.A.1. New language regarding limitations due to “operational, safety, and/or security concerns” leaves significant discretion to DOC. Is it possible to provide more detail on what might qualify as operational, safety, or security related?

II.C. Why has the following been deleted? “Individuals who use special transportation services facilitated and contracted by the Department.”

III.B. New language states that inquiries regarding visit applications will only be responded to once the application has been in process for 8 weeks. OCO recommends changing the inquiry response timeframe to at least match the intended turnaround time for applications (30 days).

IV.A.1.a.2. Again, OCO has serious concerns about this proposed update. OCO questions whether the Department has the authority to potentially controvert a court order.

- IV.C. Again, OCO has concerns that this is Departmental overreach and may raise privacy concerns.
- V.F. OCO has potential concerns here. We understand why details of an applicant’s denial may not be divulged to an incarcerated person in certain circumstances, but will the individual at least be notified of an applicant’s denial by DOC?

Second, should this be read as prohibiting an applicant from re-applying after a 12-month period? If yes, we oppose this change. If no, we believe the re-application process should be clearly stated for applicants.
- VI.E.1. Is there justification for purging visitor rolls if a person does not visit within 5 years? A person can maintain a close relationship and contact with an individual, but not have the capacity to afford/travel to visit often.
- VIII. Visitation is a means of supporting the mental health and wellbeing of an incarcerated individual while in prison, a means of facilitating successful reentry, and a critical means of maintaining significant familial connections for children and adults across the state and country. Because of this, OCO recommends eliminating the possibility for visitation to be denied, suspended, or terminated as a means of punishment.
- VIII.A.1.a.1. OCO has serious concerns regarding this proposed update. We do not understand the justification for penalizing someone for an infraction that has been overturned.
- VIII.D.7. OCO is concerned about the language about minors “causing disruptions.” This seems overly subjective and may give too much discretion to Department staff to decide to terminate a visit.

Attachment: Draft Eligibility Requirements

- Page 1 OCO is concerned that this new language may present a variety of equity issues related to who has easy access to this type of documentation. Additionally, this does not allow consideration of individuals who are considered family members but who do not fit into a “traditional” category that can be documented.
- Page 2 Same issue here (documentation) under Section 2.
- Page 2 OCO is concerned about language omitted in Section 2. Previously, exceptions could be made for persons involved in the commission of the incarcerated individual’s current charge “if there is a clear demonstration the visits would benefit the individual.” Why is that language no longer included?

